

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JOSHUA SNIDER, ROBERT
TUBBS, JAMAR TUBBS, ERVIN TUBBS,
SHAQUILLE TUBBS, SARAH TUBBS,
CORINTHIANS SNIDER, and JACOBY PILLAR,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

CORINTHIA SNIDER,

Respondent-Appellant,

and

MELVIN REEVES, ROBERT TUBBS,
EPHARIM HARRIS, and BILL SMITH,

Respondents.

UNPUBLISHED

June 19, 2003

No. 243352

Washtenaw Circuit Court

Family Division

LC No. 97-02452-NA

Before: Markey, P.J., and Saad and Wilder, JJ.

Per Curiam.

Respondent-appellant appeals as of right from the trial court's order of adjudication exercising jurisdiction over the minor children under MCL 712A.2(b)(1) and (2). We affirm.

The child protection proceedings at issue in this appeal were initiated in November 1999. Respondent-appellant eventually made admissions to an amended petition in November 2000, but the trial court took her plea under advisement. The parties agreed that if respondent-appellant cooperated with certain services and made sufficient progress, the petition would later be dismissed. However, the petitioner received a new referral regarding the children in June 2001. Respondent-appellant's plea was accepted by a referee, but was then withdrawn, and the petitioner filed a new petition containing several allegations, including those in the original petition filed in November 1999. A bench trial was eventually held in the matter, and the trial court found that the children came within the jurisdiction of the court. It was later discovered

that the assigned foster care worker had committed certain improprieties in preparing her reports to the court. In the meantime, the court entered a dispositional order in the matter. The children remained placed with respondent, except for Joshua Snider, who respondent-appellant had allowed to reside with his grandmother. Respondent-appellant filed a motion asking that the orders of adjudication and disposition be set aside. The court denied respondent-appellant's motion. At a continued dispositional hearing, the court terminated its jurisdiction over the children and closed the case. This appeal followed.

Respondent-appellant raises two issues, neither of which have merit. She first argues that the petition to which she made admissions in November 2000 was legally insufficient to confer jurisdiction on the court. Respondent-appellant failed to preserve this issue and we have found no plain error in our review. *People v Ortiz*, 249 Mich App 297, 310; 642 NW2d 217 (2002).

Respondent-appellant also argues that the trial court should have dismissed the case when it discovered the foster care worker's improprieties. We agree that any impropriety committed by a social worker in these type of proceedings is a serious matter. However, respondent-appellant has merely asserted that the worker's reports affected the recommendation by the attorney for the minor children. The trial court held a two-day bench trial in the matter and heard the testimony of several witnesses. The foster care worker at issue did not testify at the hearing and the trial court stated that it did not rely on reports submitted by the worker in determining that the court had jurisdiction in this matter. Further, the trial court indicated that it relied on the evidence, not the recommendation of the children's attorney, in making its findings. The trial court did not clearly err in finding by a preponderance of the evidence that the children came within the statutory requirements of MCL 712A.2 (b)(1) and (2).

Affirmed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Kurtis T. Wilder